

FILED 08/22/11 10:00AM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

EDWARD PERGANDE,

Plaintiff,

Civil No. 10-6314-TC

v.

ORDER

SHERIFF JOHN TRUMBO, et al.,

Defendants.

Hogan, District Judge.

Plaintiff, an inmate at the Umatilla County Jail, has moved for a preliminary injunction against defendants from reading his outgoing mail and to "give notice when or if this incoming mail is read." (sic) Motion (#43) p. 1-2.

"The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held," and it is generally inappropriate for a federal court at the preliminary injunction stage to give a final judgment on the merits. University of Texas v. Camenisch, 451 U.S. 391, 395 (1981); Tanner Motor Livery, Ltd. V. Avis, Inc, 316 F.2d 804, 808 (9th Cir. 1983). See also,

Regents of University of California v. ABC, Inc., 747 F.2d 511, 514 (9th Cir. 1984) ("* * * the function of a preliminary injunction is to preserve the *status quo ad litem*.") Wright and Miller, Federal Practice and Procedure § 2947 (1973) ("* * * the most compelling reason in favor of entering a Rule 65(a) order is the need to prevent the judicial process from being rendered futile by defendant's actions or refusal to act").

In this case, the preliminary equitable relief that plaintiff seeks would in essence constitute a judgment on the merits of one or more of plaintiff's underlying claim and is therefor inappropriate.

Plaintiff's Motion for Preliminary Injunction (#43) is denied.

IT IS SO ORDERED

DATED this 19th day of August, 2011.


Michael R. Hogan
United State District Judge